

# EXHIBIT 1

THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

THE MENDHAM METHODIST )  
CHURCH; and THE ZION )  
LUTHERAN CHURCH LONG )  
VALLEY, ) Case No. 2:23-cv-02347  
Plaintiffs, )  
v. )  
MORRIS COUNTY, NEW JERSEY, )  
et al., )  
Defendants; )  
ATTORNEY GENERAL of NEW )  
JERSEY, )  
Intervenor-Defendant. )

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**DECLARATION OF ELAINE WARREN**  
**IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY**  
**INJUNCTION**

I, Elaine Warren, declare as follows pursuant to 28 U.S.C. § 1746:

1. I am Church Council Chair at the Mendham Methodist Church. I have been in this role since 2009. I submit this declaration in support of Mendham Methodist Church and Zion Lutheran Church Long Valley's Motion for a Preliminary Injunction. This declaration is based on my personal knowledge.
2. I have served at Mendham Methodist Church for approximately 15 years. As Church Council Chair, I am responsible for, among other things, working

with the pastor, lay leader, and others to fulfill the mission of the church. This includes organizing meetings to help meet church vision and ministry goals; preparing and communicating the agenda for the meetings; leading the meetings and following up by assigning responsibility for implementation of tasks; coordinating the activities of the leadership team, and helping to maintain a healthy and growing spiritual life.

## **I. Mendham Methodist's Church Building and Its Historical Significance**

3. The Mendham United Methodist Church is a Christian Church located in the Borough of Mendham, Morris County, New Jersey.

4. Congregants began gathering as part of the Mendham Methodist Episcopal Church in the early nineteenth century, continuing with the United Methodist denomination, officially becoming Mendham United Methodist Church in 1968.

5. Mendham Methodist's current building was established in 1893 at 10 E. Main Street in Mendham Borough.

6. Our church building has maintained its original structure, and has various additional notable longstanding architectural features, also maintained for 175 years, including a prominent bell tower and stained glass windows.

7. The building is located in the center of the Mendham Historic District, and is recognized as a key building and important contributing structure to the District.

8. The Mendham Historic District is listed on the State and National Register of Historic Places.

9. Many pedestrians and drivers coming through our community pass by our historic church building every day and view the exterior.

## **II. Mendham Methodist's Current Activities**

10. Mendham Methodist holds a weekly religious worship service in its church building on Sunday mornings.

11. Approximately 13 congregants attend the typical service, with higher attendance on holidays such as Easter and Christmas, or when special services or programs are being held.

12. At a typical worship service, there is a welcome greeting and announcements, reading of Scripture, sharing of joys and concerns, singing of hymns, prayers, delivery of the pastoral message, presentation of the offering and a benediction. On the first Sunday of each month, we share in Holy Communion.

13. Mendham Methodist also has hosted in its church building a variety of community activities and services, including an active thrift shop, community music

lessons, and a Christmas concert in conjunction with the Mendham Business Association's Holly Trail.

### **III. Mendham Methodist's Need for Structural Stabilization**

14. Mendham Methodist's historic church building needs work to preserve its structural integrity and historic architecture.

15. The building's roof has weathered to the point that water leaks into the church building when it rains, damaging the historical integrity of interior and exterior walls and the church's historic organ, as well as possible other as yet unknown damage.

16. To address the leaks, congregants have had to drape drop cloths over the pews or place buckets to catch falling water.

17. As a temporary fix, Mendham Methodist hired a roofer to patch particularly problematic areas.

18. But a more permanent fix, replacing the roof as a whole, is needed to prevent further and more serious damage. Mendham Methodist cannot afford to replace the roof under our current severely limited operating budget.

19. Damage to the 1893 stone foundation has also caused major leakage and flooding in the church basement, which is in active use as a space open to the public, and for hosting the thrift shop.

20. An earthen wall in the basement has deteriorated, causing stones and dirt to invade the building. This deterioration has called into question the integrity of our building's foundation.

21. An additional earthen wall in the basement is also in danger of collapse, which presents both a safety concern and a practical concern, as collapse would render access to key storage for the church unavailable.

22. Leaded windows in the church parlor have suffered storm and earthquake damage and require preservation and replacement pieces. Earthquake damage has also produced cracks in our ceiling.

23. On the exterior of the church, the siding on our church's bell tower is damaged. The bell tower is the focal point of the building's historic architecture. It is important that this highly visible aspect of the building be restored before the damage increases. The bell tower and main building alike also require new paint for aesthetic restoration, and a new bell pull is needed.

24. Two true and correct photographs of the damaged belltower siding as of February 8, 2023, are attached as Exhibit A.

25. A true and correct photograph of damage to the sanctuary ceiling as of February 8, 2023, is attached as Exhibit B.

26. A true and correct photograph of the collapsing interior wall in the basement as of February 8, 2023, is attached as Exhibit C.

27. Two true and correct photographs of cracks in the parlor ceiling as of May 12, 2024, are attached as Exhibit D.

28. Two true and correct photographs of water damage to the wall in the stairway, as of May 12, 2024, are attached as Exhibit E.

29. Mendham Methodist requires grant funds to afford these improvements, which are necessary to maintain our building's structural integrity and historic character, in light of our limited budget.

30. The urgency, extent, and cost of the necessary repairs increases with time as the historic building continues to deteriorate.

#### **IV. Mendham Methodist's Grant Application**

31. On February 28, 2022, Mendham Methodist submitted a Declaration of Intent to the Morris County Historic Preservation Trust Fund Review Board, indicating its need for historic preservation funding. A true and correct copy of that document was attached to the Amended Complaint as Exhibit F, and is docketed at ECF No. 11-6.

32. The Declaration of Intent indicated that a grant would "be used to plan and scope these efforts: Church needs windows reloaded, new roof, bell tower reshingled and painted, new chimney, furnace, repaving and relining of parking lot." ECF No. 11-6, at 2.

33. The Declaration of Intent confirmed that Mendham was a qualifying historic property and a non-profit organization with a purpose of historic preservation. *Id.*

34. The Declaration of Intent also clearly indicated Mendham's religious character. In addition to listing its name as "Mendham United Methodist Church," its Declaration of Intent stated that Mendham was a "Church—currently used for worship." *Id.*

35. In a letter dated March 3, 2022, the Morris County Office of Planning and Preservation told Mendham Methodist it was ineligible to receive a grant on the sole ground that its building is currently used for religious purposes. A true and correct copy of that letter was attached to the Amended Complaint as Exhibit G, and is docketed at ECF No. 11-7.

36. Specifically, the letter stated, in full, the following: "Your Declaration of Intent submitted on February 28, 2022 indicates that the proposed grant application involves the principle [sic] church building that is currently used for religious purposes. As this building is currently used for religious purposes or functions, it is ineligible for Historic Preservation grant funding, per our Rules, <https://www.morriscountynj.gov/files/sharedassets/public/departments/planning-amp-preservationhistoric/chapter-5-historic-preservation.pdf>, section 5.6.4." ECF No. 11-7, at 2.

I declare under penalty of perjury that the foregoing is true and correct.

Executed: May 21, 2024

Elaine Warren

Elaine Warren

## EXHIBIT A





## EXHIBIT B



## EXHIBIT C



## EXHIBIT D





## EXHIBIT E



